

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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KARED SAMPEDRO and EUGENE  
YANOVSKIY, individually and on  
behalf of all other persons similarly  
situated

Plaintiffs,

-against-

500 FOREST AVENUE CORP. d/b/a  
KING’S ARMS RESTAURANT and  
DIMITRIOS KOUTSOVASILIS, jointly  
and severally,

Defendants.

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Appearances:

*For the Plaintiffs:*

Brandon David Sherr  
Law Office of Justin A. Zeller, P.C.  
277 Broadway, Suite 408  
New York, NY 10007

*For the Defendants:*

Allyn James Crawford  
Crawford Bringslid Vander Neut LLP  
900 South Avenue, Suite 204  
Staten Island, NY 10314

**BLOCK, Senior District Judge:**

On October 11, 2018, Magistrate Judge Gold issued a Report and Recommendation (“R&R”) recommending that the settlement in this action be approved. The R&R followed a hearing pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). A favorable *Cheeks* finding was entered on August 15, 2018. *See* Dkt. 34. The R&R was served electronically on

all parties and advised that objections were due by October 15, 2018. This appears to have been a typographical error, as the fourteen-day deadline would have ended on October 25, and not October 15. In any case, as of the date of this Order, no objections have been filed.

When no party has objected to a Magistrate Judge's report and recommendation, the Court may adopt it without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."). The Court may excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No plain error appears in the R&R. Accordingly, the Court adopts the R&R. The settlement is approved and the Clerk is directed to close the case.

**SO ORDERED.**

/S/ Frederic Block  
FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
December 6, 2018